

Remarks/Arguments

In the non-final Office Action dated October 13, 2010, it is noted that claims 1-13 are pending in the application and stand rejected. Claims 1 and 12 are independent.

Claims 1-13 have been amended for the purpose of providing additional clarity. Support for the amendments of claims 1 and 12 may be found in the application as originally filed at least at page 25, line 29-page 26, line 9:

The user can at any moment have a new random navigation card NAV, based on a new table TAB.

Furthermore, the system randomly chooses the navigation table TAB from a set of “pre-drafted” tables, for example 10 or 20. This table TAB serves as a support for the presentation of the information. In the example described, it changes at each random request. Thus, the user can change from the preceding data, as he immediately realizes that a new selection has taken place and that it is very different to the previous one. Emphasis added.

Additional support for the amendments is found at page 8, lines 6-10:

According to other methods for defining the related areas, . . . these areas are randomly defined, by random selection from several predefined areas. Emphasis added.

No new subject matter has been added.

Claim objections

Claim 1 is objected to because line 3 recites: “database (5).” Also, line 25 of claim 1 ends with a period.

By this response, claim 1 is amended to remove the “(5)” in line 3 and by deleting the period in line 25. Accordingly, the withdrawal of these objections is respectfully requested.

Claim rejections - 35 U.S.C. 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph because there is allegedly no proper antecedent for “the element” (claim 1, line 17); “the initial

specification” (claim 1, line 26); “the arrangement means” (claim 1, line 27); and “the predefinition” (claim 1, lines 28-29).

By this response, claim 1 is amended to clarify that “the element” refers to “the data bootstrapping element,” of which there is proper antecedent basis.

Also, claim 1 is amended to clarify that “the initial specification means” refers to “the means for specifying,” thereby establishing proper antecedent basis.

Additionally, claim 1 is amended to clarify that “the arrangement means” refers to “the means for arranging,” of which there is proper antecedent basis.

Claim 1 is also amended to clarify that “the predefinition” refers to “the means for pre-defining,” of which there is proper antecedent basis.

Accordingly, the withdrawal of the rejections under 35 U.S.C. 112, second paragraph is respectfully requested.

Cited art

The following references have been cited and applied in the present Office Action: U.S. Patent Number 7,268,791 to Jannink (“Jannink”) and U.S. Patent Application Publication 2002/0040326 to Spratt (“Spratt”).

Claim rejections - 35 U.S.C. 102

Claims 1-7 and 9-13 stand rejected under 25 U.S.C. 102(e) as allegedly being anticipated by Jannink. Applicants respectfully traverse the rejection.

In order for a reference to anticipate a claim, the MPEP 2131 requires the reference to teach every element of the claim. According to MPEP 2131, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants’ claim 1, as amended, requires in part:

means for automatically and successively positioning of at least a part of the new data elements in the related representation area, at positions neighboring the positions occupied by the data elements already positioned, if these positions are not already occupied

by data elements already positioned, the positions of said new data elements being randomly defined by the device for processing information at each user request.
... Emphasis added.

The Office Action from pages 7-8 alleges that Jannink, col. 3, lines 49-62; col. 4, lines 4-16; col. 4, lines 42-45; and col. 4, lines 62-63 discloses the features of Applicants' claim 1 as cited above. Applicants respectfully submit that Jannink does not disclose at least the above mentioned features as required in claim 1.

Jannink discloses a visualization system for allegedly enabling visualization of data sets containing large numbers of objects. The displayed objects are associated to data, the data allowing the determination of relationships between items. The relationships between items are defined by an affinity value. In a preparatory step, local rankings of the relationships between items are allegedly established and then the identifiers of items are displayed. Jannink, Figs. 1 and 2, show two examples of affinity charts in which the objects are apparently selected and placed according to the affinity value with a principal and central item 131. See Jannink, column 3, lines 34-36: "*By selecting the first sequence element 255 or 265, the user can navigate to reach the affinity curves 240 or 250 to view a string of relevant items as shown in Fig. 1.*"

The appearance of the navigation tree as disclosed by Jannink, for example at Figs. 3 and 4, is not modified when the user introduces a command of navigation, or when the user introduces a new request. Furthermore, in contrast to Applicants' claim 1 which requires the positions of the displayed data elements are randomly defined by the device for processing information at each user request, Jannink, col. 4, lines 62-63 discusses "*the related item can be individually spaced on the affinity chart by its rank.* ... " Emphasis added.

There is no mention or discussion whatsoever in Jannink regarding the random positioning of the displayed data elements at each user request. Therefore, Jannink does not disclose the positions of said new data elements being randomly defined by the device for processing information at each user request as set forth in Applicants' claim 1. As such, Applicants respectfully submit that Jannink does not anticipate Applicants' claim 1 and respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e).

Independent claim 12, although different from claim 1, includes several similar distinguishing features as discussed above with respect to claim 1. The Office Action uses substantially the same arguments as set forth with regard to claim 1, alleging that independent claim 12 is anticipated by Jannink. Claim 12 is different from claim 1 and must be interpreted independently based upon its own specific language. Applicants apply the above arguments for claim 1 to the specific interpretation of independent claim 12. As such, Applicants respectfully submit that claim 12 is not anticipated by Jannink and respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e).

Claims 2-7, 9-11, and 13 ultimately depend from and includes all the features of either allowable claim 1 or 12. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, Applicants apply the above arguments from claim 1 or claim 12 to each respective dependent claim. Thus, Applicants respectfully submit that dependent claims 2-7, 9-11, and 13 are allowable at least by virtue of their dependency on an allowable parent claim.

Applicants respectfully submit that the rejection of claims 1-7 and 9-13 under 35 U.S.C. §102(e) has been traversed and requests the withdrawal of the rejections.

Moreover, Applicants respectfully assert that a person having ordinary skill in the art does not get any hint from Jannink to randomly position the displayed data elements at each user request because the Jannink teaches in col. 5, lines 43-51:

“Upon receiving the request, web server 420 can process the request and send the request on to chart server 425. A determination can then be made in step 430 of whether the particular chart corresponding to the request had previously been cached. This could have occurred if a prior request had been made for the same data. If so, the necessary information can be provided from chart cache 435. By way of example only, the information could consist of charts and hyperlinked data 440.” Emphasis added.

Since the system disclosed by Jannink apparently retrieves the information from the chart cache if a previous request corresponding to this chart has been made, the displayed chart is unchanged. Therefore, the person having ordinary skill in the art would not randomly position the displayed data elements at each user request based on a reading of Jannink.

Claim rejections - 35 U.S.C. 103

Dependent claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jannink in view of Spratt. Applicants respectfully traverse the rejection.

Dependent claim 8 depends from allowable claim 1 and incorporates all of the respective features of claim 1, in addition to containing further distinguishing patentable features.

Spratt does not cure the deficiencies as noted as applied to claim 1.

Spratt discloses a method for selecting categorized content items for downloading to a mobile device. The method allegedly involves monitoring, use of content items and providing an indication of the use of the content items. However, there is no hint or indication in Spratt's disclosure to randomly position the displayed data elements at each user request.

Therefore, for at least the same reasons discussed above with respect to claims 1, the combination of Jannink and Spratt does not teach or even suggest all the features of claim 8.

Hence, withdrawal of the rejection to claim 8 under 35 U.S.C. § 103(a) and early allowance is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge any required additional fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
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Date: 3/7/11

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